

LEGAL SERVICES TO THE ELDERLY

I. SERVICE DEFINITION

Legal Services provided by lawyers and paralegals to assist Delaware residents who are 60 years of age or older, in matters related to the legal system including advice, negotiation, representation and drafting and processing legal documents.

II. SERVICE GOAL

To provide access to the legal system for the elderly.

III. SERVICE UNIT

One hour of legal work for one eligible client.

IV. SERVICE AREA

The State of Delaware

V. LOCATION OF SERVICE DELIVERY

Legal Services shall be provided in each county in a suitable office which is as free from architectural and psychological barriers as possible, and which provides adequate space and privacy. Legal services may also be provided in community/senior centers, and in any other location (such as nursing homes, hospitals, or private residences) which the situation of the client shall render necessary or practical. In view of the confidential nature of the services, care should be taken in delivery of services outside the office. Delivery should take place in as private an area as possible.

VI. DESCRIPTION OF SERVICES

- Screening requests for legal services in terms of eligibility of clients and eligibility of service, and scheduling intake as determined by emergency procedures and other priorities of service.
- Assessing the validity of the client's case, the strength of the evidence and possible approaches to its resolution.

DESCRIPTION OF SERVICES (cont.)

- Presenting the assessment to the client in understandable form to provide a basis for an informed decision on his/her part as to the course he/she is willing to follow.
- Advising the client of any steps he/she should take to further his/her case, at all stages of representation.
- Identifying any further information which the client is able to obtain, and securing his/her authorization to acquire records which may be relevant to his/her case.
- Working with the private bar to provide them with the necessary training and technical assistance to develop programs which provide legal services to the elderly.
- Making investigations and conducting legal research as necessary to prepare the client's case.
- Preparing documents such as living wills, deeds, powers of attorney, and drafting court pleadings.
- Processing documents for the client.
- Initiating appropriate court actions on behalf of the client.
- Initiating administrative decisions appeals on behalf of the client.
- Negotiating on behalf of the client.
- Representing the client in courts, taking all necessary actions and drafting all necessary pleadings.
- Representing the client in administrative hearings.
- Reviewing case outcomes to determine whether appeals are appropriate.
- Reviewing the case with the client to ensure he/she understands the outcome and its implications.
- Conducting Public Relations and outreach to ensure that eligible clients are aware of services and have access to them.

- Where appropriate, conducting legal, educational or training programs for eligible clients, or for providers of services to eligible clients.
- Coordinating with the Office of Long-Term Care Ombudsman regarding referral procedures, training of the staff of the Ombudsman program and service delivery.
- Clients, family members, and/or caregivers must be informed of the cost of providing services and must be offered the opportunity to make voluntary contributions to help defray the cost, thereby making additional services available to others. Providers must:
 - Inform applicants, family members and/or caregivers of the cost of providing services and offer them the opportunity to make voluntary contributions.
 - Protect their privacy with respect to his/her contribution
 - Safeguard and account for all donations
 - Use the contributions to expand services

VII. PROHIBITED SERVICES

Any legal services to a person under 60 years of age and representation of clients in criminal cases or fee generating cases.

VIII. SERVICE STANDARDS

All legal services are to be administered in accordance with the Delaware Lawyers Code of Professional Responsibility, the provisions of the Older Americans Act, the Rules and Regulations governing the Act (45 CFR, Part 1321), and the policies and procedures established by the Division of Services for Aging and Adults with Physical Disabilities.

IX. SERVICE AND CLIENT PRIORITIES

Services are available to all Delaware residents who are 60 years of age and over, but priority must be given to those in this age group who are in the greatest social and economic need. Greatest consideration must be given to those problems which significantly affect the person's income, assets, housing, health and safety and to those persons most handicapped by advanced age, poor physical and/or mental health, lack of experience or education, language problems, and isolation.

X. WAITING LISTS

When the demand for a service exceeds the ability to provide the service, a waiting list is required. Applicants will be placed on the waiting list until services can be provided, or until services are no longer desired by the applicant. The waiting list must be managed in accordance with DSAAPD policy X-A-1, Client Service Waiting List.

The service provider's guidelines for prioritizing clients on the waiting list must be in writing and available for review. In addition to any client priorities listed in the service specifications, these guidelines may include, as appropriate:

- Danger or risk of losing support systems, especially living settings or supports necessary for self-maintenance
- Risk of institutionalization
- Significant risk of abuse or neglect
- Basic health, safety and welfare needs not being met through current supports
- Risk of functional loss without intervention or ongoing skill maintenance services
- Exhibition of behavior that presents a significant risk of harm to self or others
- Compatibility with available services.

For the provision of Legal Services to the elderly, the nature of the legal need or case is also a factor in determining the client priority as addressed in the Service Specifications.

In each case, the reason for the selection of an individual ahead of others on the waiting list must be documented (e.g. in writing and available for review).

XI. STAFF REQUIREMENTS

All staff shall be professionally qualified and shall have the ability to relate to older persons and their legal problems.

There shall be one full-time attorney who is admitted to the Delaware Bar unless other arrangements are approved, in writing, by the Division. He/she shall supervise the project.

XII. TYPE OF CONTRACT

Cost Reimbursement

XIII. METHOD OF PAYMENT

Monthly advance to the service provider to be applied to the incurring of and payment for allowable costs as stated in the approved line item/cost category budget.

XIV. REPORTING REQUIREMENTS

A Quarterly Program Report and a Quarterly Financial Report are required and must be received by DSAAPD no later than twenty-one (21) calendar days following the end of the quarter. Each report must contain a live signature (preferably in blue ink) of the official who completed the report. The phone number and the date the report was completed are also required. A final financial report is due to the Division within ninety (90) calendar days after the program end date. Additional information can be found on these reports in the DSAAPD Policies and Procedures Manual.

TITLE III-B LEGAL SERVICES TO THE ELDERLY**PLANNED SERVICE UNITS AND PROPOSED OBJECTIVES****GRANTEE / AGENCY NAME:** _____**PROGRAM NAME:** _____

PLANNED SERVICE UNITS	1ST QTR	2ND QTR	3RD QTR	4TH QTR	TOTAL
Number of hours of legal service provided eligible client					
Unduplicated clients to be served					
Educational presentations					
Training sessions provided to private bar					
Number of Volunteer Hours of Legal Services					

NOTE: The above projections (goals) are compared with actual statistics on the Service Objectives Status Form, which is Page 2 of the Quarterly Program Performance Report. Additional details on client services are also provided on pages 2, 3 and 4 of the report.